

AMENDMENT
USSN 10/727,575
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AMENDMENTS TO THE DRAWINGS

Please replace current Figures 1-4 with the enclosed four sheets of Replacement Drawings (Figures 1-4).

Attachment: 4 Sheets of Replacement Drawings (Formal)

REMARKS

Claims 1-30 and 32-34 are all the claims pending in the application.

Introductory Remarks

Applicant thanks the Examiner for acknowledging the claim to foreign priority and confirming that the certified copy of the priority document has not been received. Applicant is submitting herewith a certified copy of the priority document and requests the Examiner to confirm receipt of the certified copy of the priority document in the next Office communication.

In addition, the Applicant thanks the Examiner for indicating consideration of the documents submitted with Applicant's Information Disclosure of May 6, 2004.

Non-Art Objections and Rejections

The Examiner has objected to the drawings as being informal and of poor quality. Applicant is submitting herewith four sheets of replacement drawings that are believed to overcome the Examiner's objections.

The Examiner has objected to claims 1 and 9, has rejected claims 10, 17 and 21 under 35 U.S.C. §112, first paragraph, as not being enabled, and has rejected all the pending claims 1-30 and 32-34 under 35 U.S.C. §112, second paragraph, mostly for minor antecedent-basis reasons.

Applicant has reviewed and amended the claims, in view of the Examiner's concerns and further to improve the wording of the claims where appropriate. The amendments made are believed to be self-explanatory and to render these rejections moot.

Applicant, however, traverses and requests reconsideration of the rejection of claim 10 under 35 U.S.C. §112, first paragraph. The grounds of rejection assert that the specification "does not provide enablement for the hatch being a squeeze lock." However, claim 10 includes

reference numeral 7 as a structural example for the claim recitation. Page 13 of the specification and Fig. 3 (as well as Figs. 2 and 4) describe and show the structural example in detail. Finally, the term squeeze lock defines itself in terms of enablement. From the combined disclosure, one skilled in the art is apprised that a squeeze lock, at least in preferred embodiment, is a lock that closes the opening of the launcher housing through which ammunition is loaded, and that operates to keep the housing closed through mechanical squeezing action, as opposed, for instance to magnetic action or the like. Nothing additional is required of the application to enable the term selected by the Applicant for defining this aspect of the invention.

Rejections Based on Prior Art

With respect to prior art, the Examiner has rejected claims 1-3, 5-9, 13, 14, 18 and 20-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,681,013 to Farley et al. The Examiner has additionally rejected claims 1-5, 7-9 and 18-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,583,749 to Akin. Finally, the Examiner has rejected claims 11, 14, 15 and 27-30 under 35 U.S.C. § 103(a) as being unpatentable over Akin in view of U.S. Patent No. 6,142,055 to Borgwarth, and has rejected claim 34, also under 35 U.S.C. § 103(a), as being unpatentable over Akin in view of U.S. Patent No. 3,349,397 to Rosenthal.

Farley et al. discloses a rotary launcher system for an aircraft having a weapon bay with an opening in communication with the exterior of the aircraft. See, e.g., Abstract and col. 2, lines 26-28. Two embodiments in particular are disclosed, one illustrated in Figs. 1-4 and the second in Fig. 5. In the first embodiment, a rotary launcher 30 having a frame member 32 with weapon support assemblies 44A, 44B, 44C and 44D is movable between a retracted position (Fig. 3) and an extended position (Fig. 4). See col. 4, lines 16-22. In the retracted position, a

cover portion 50 cooperates with doors 18A, 18B, 20A and 20B to form a portion of the external contour of the aircraft, thereby reducing aerodynamic drag and radar cross-section. See col. 3, lines 31-40, and col. 4, lines 23-29. To extend the assembly 44A to the extended position, hydraulic actuators 68 and 70 are retracted while the assemblies 44C, 44B and 44D are held in place. See col. 4, lines 48-60. In the second embodiment, a rotary launcher 71 having a frame member 72 with weapon support assemblies 74A, 74B, 74C and 74D is simply rotated. See col. 4, line 67, to col. 5, line 9. During flight, the assembly 74A with partitions 75A and 75B is aligned with the opening 17, again to provide a smooth external contour needed for drag and radar cross-section reduction. Col. 5, lines 3-33, and Fig. 5. In order to launch a missile, the launcher assembly 71 is rotated to bring the appropriate weapon support assembly, e.g., 74D, into position. See col. 5, lines 19-27, and Fig. 5.

Amended independent claim 1 recites, *inter alia*, “a cover arrangement (4) that reduces a radar signature caused by the recess (2), and [that] is opened by the ammunition upon deployment.” No such arrangement is taught or suggested by Farley et al. In the first embodiment of the reference, the cover portion 50 is extended with the ammunition, as shown in Fig. 4, through operation of hydraulic actuators. In the second embodiment, the assembly 74A with the partitions 75A and 75B is rotated into the weapon bay. Thus, neither the cover portion 50 nor any other component of the rotary launcher system that could arguably be characterized as a “cover arrangement” is “opened” upon deployment, as required by claim 1. Indeed, claim 1 further requires that the “cover arrangement [be] opened by the ammunition upon deployment. Nothing in Farley et al. meets this requirement of the claim, even under the broadest reasonable reading of this language.

Aknin discloses a so-called antidetection by radar device for a flattened superstructure of a ship. See, e.g., Abstract and col. 1, lines 8-9. A net 7, which is metallic and able to reflect electromagnetic waves, covers a battery of missiles 5 on the ship 1. See col. 1, lines 18-21 and 64-67; Figs. 1-3. “The net exhibits mechanical strength which is great enough to be self-bearing, yet low enough to be able to be torn partially by a door 11 passing to the open position, as is illustrated diagrammatically in Fig. 6. Thus, when a missile is fired, the corresponding door 11 is opened, thereby making it possible to rip the net 7 locally opposite the corresponding shaft 9, since the length L of said door 11 is greater than the height H of the net 7.” Col. 4, lines 1-8; Fig. 6; see also col. 5, lines 13-18.

Aknin is also deficient in teaching or suggesting “a cover arrangement (4) that reduces a radar signature caused by the recess (2), and [that] is opened by the ammunition upon deployment.” Aknin clearly and expressly discloses that the net 7 is ripped by the doors 11 when passing into the open position. See col. 4, lines 1-4, and Fig. 6. Thus, indeed, Aknin teaches specifically that the doors should be configured to rip the net upon passing to the open position. Aknin therefore teaches away from the claimed configuration, whereby the ammunition itself opens the cover arrangement upon deployment.

The secondary references, Borgwarth et al. and Rosenthal, are cited as teaching miscellaneous features recited in the dependent claims. Without conceding the sufficiency of either reference in teaching the subject matter of these dependent claims in the context of the claimed invention, Applicant notes that neither reference bridges the deficiencies of the primary references in teaching or suggesting “a cover arrangement (4) that reduces a radar signature caused by the recess (2), and [that] is opened by the ammunition upon deployment.” Thus all

claims presented are patentable at least by virtue of their dependency on claim 1. Special note is made, however, of dependent claim 21, which recites that "the cover arrangement (4) closes subsequent to the deployment." This additional refinement is found nowhere in the applied references even out of context, and is clearly patentable above and beyond even the recitations of claim 1.

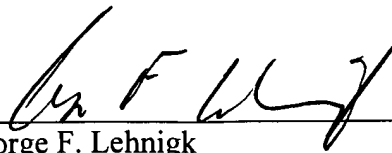
Closing Remarks

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant files herewith a Petition and payment for a two-month Extension of Time.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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